

### Office Action Summary

**Application No.**

10/698,108

**Applicant(s)**

ALTENHOFEN, MICHAEL

**Examiner**

JENISE E. JACKSON

**Art Unit**

2439

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 May 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 21 and 23-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21, 23-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI.08)
- 4) ☒ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: 20100812
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date: \_\_\_\_\_



**DETAILED ACTION**

***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 36-42 are directed to non-statutory subject matter for being directed to software. Claims 36-42 claim, “a computer program product embodied in one or more tangible machine-readable storage media, the computer program product being executable by a machine to cause the machine to”. On the specification page 19 discloses, the processes can be implemented as a computer program product, i.e., a computer program tangibly embodied in an information carrier, e.g., in a machine-readable storage device or in a propagated signal, for execution by, or to control the operation of, data processing apparatus, e.g., a programmable processor, a computer, or multiple computers. The United States Patent and Trademark Office(USPTO) is obliged to give claims their broadest reasonable interpretation consistent with the specification during proceedings before the USPTO. See *In re Zletz*, 893 F.2d 319(Fed. Cir. 1989)(during patent examination the pending claims must be interpreted as broadly as their terms reasonably allow). The broadest reasonable interpretation of a claim drawn to a computer readable medium typically covers forms of non-transitory tangible media and transitory propagating signals per se in view of the ordinary and customary meaning of the computer readable media. The Applicant is urged to amend the claims to include a non-transitory.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 21, 23-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Floyd et al.(6,243, 692) in view of Collart(2006/0181965).

4. As per claims 21, 29, 36, Floyd et al. discloses to provide a module link to obtain modules specific to the version, the modules providing functionality that is specific to the version(see col. 2, lines 28-39, col. 4, lines 18-25, 33-35); comprises software that is common across multiple versions, the version comprises one of the multiple versions, and the module link is authenticated by a code that is unique to a user(see col. 1, lines 58-67, col. 2, lines 1-4).

5. Floyd is silent on; however, Collart discloses a first computer system to provide course content; a second computer system to provide a content player that presents the course content; and a third computer system to identify a version of the content player that is to present the course content[0010, 0013, 0015, 0026, 0030]. It would have been obvious one of ordinary skill in the art at the time of the invention to include a content player of Collart with Floyd, the motivation is that the content player is used to obtain the updated content that contains the version of the content of the portable storage medium so that the user can access and play the content[0015, 0026 of Collart].

6. As per claims 23, 37, Floyd is silent on; however, Collart discloses wherein the first computer system comprises a master repository that stores the course content[0010, 0013, 0051].

It would have been obvious to one of ordinary skill in the art at the time of the invention to include master repository of Collart with Floyd, the motivation is that the separate storage medium is a remote server that has a local storage medium and the cached content may be subsequently reused[0013 of Collart].

7. As per claims 24, 30-31, 38, Floyd is silent on; however, Collart discloses wherein the content player access the content from the master repository [0010-0011]. It would have been obvious to one of ordinary skill in the art at the time of the invention to include the content player access the content from the master repository of Collart with Floyd, the motivation is that based upon the user using the player the content can be access from the master repository so that the user can have the updated version of the content[0011, 0015 of Collart].

8. As per claims 25, 32, 39, Floyd is silent on; however, Collart discloses wherein the content player is provided to a local computer, the local computer having access to a local repository of course content[0042]. It would have been obvious to one of ordinary skill in the art at the time of the invention to include a content player that is provided a local computer of Collart with Floyd; the motivation is that the player accesses the local cached information to get the updated content[0042 of Collart].

9. Same Motivation as claim 25. As per claims 26, 33, 40, Floyd is silent on; however, Collart discloses wherein the content player accesses the content from the local repository[0042].

10. As per claims 27, 34, 41, Floyd discloses wherein the third computer system encrypts the module link before providing the module link(see col. 4, lines 51-67).

11. As per claims 28, 35, 42, Floyd discloses wherein the third computer system encrypts the module link with a public key that corresponds to a user of the software(see col. 2, lines 37-41, col. 4, lines 52-63).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JENISE E. JACKSON whose telephone number is (571)272-3791. The examiner can normally be reached on Increased Flex time, but generally in the office M-Fri(8-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edan Orgad can be reached on (571) 272-7884. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/698,108

Page 6

Art Unit: 2439

September 10, 2010

/J. E. J./

Examiner, Art Unit 2439

/Michael J Simitoski/

Primary Examiner, Art Unit 2439